

EXHIBIT 8

Williams, Sheri

From: Amy Keller <akeller@dlcfirm.com>
Sent: Friday, November 16, 2018 8:17 AM
To: Siegel, Norm; Cam Tribble; 'Ken Canfield' (kcanfield@dsckd.com)
Subject: FW: 17-0125 Equifax Data Breach: In re Equifax: Defendants' Search Terms and Methodology

(FYI)

From: Bassett, Leslie [mailto:LBassett@KSLAW.com]
Sent: Friday, November 16, 2018 7:58 AM
To: Amy Keller <akeller@dlcfirm.com>; Joseph P. Guglielmo <jguglielmo@scott-scott.com>
Cc: Gary Lynch <glynch@carlsonlynch.com>; Haskins, Stewart <SHaskins@KSLAW.com>; Adler, Elizabeth <eadler@kslaw.com>; Tadler, Ariana <ATadler@milberg.com>; 'Clark, Melissa' (mclark@milberg.com) <mclark@milberg.com>; Solomon, Ronni <RSolomon@KSLAW.com>
Subject: RE: In re Equifax: Defendants' Search Terms and Methodology

Amy,

Thank you for your message. Defendants are committed to continuing a productive meet and confer process with Plaintiffs regarding Defendants' Search Terms and Methodology ("Defendants' Search Terms"), but oppose Plaintiffs' unwarranted request for premature discovery to do so. While Defendants remain opposed to producing documents or engaging in discovery prior to the Court's decisions on the pending motions to dismiss, we are willing to meet and confer to discuss the search terms.

As an initial matter, we don't understand Plaintiffs' complaint that their lack of discovery somehow handicaps evaluation of Defendants' Search Terms. This is inconsistent with the Court's orders and Local Rules, and creates a backwards approach to the discovery process. Search terms are intended to assist the producing party with locating potentially responsive documents, not the other way around. The discovery protocol that the parties negotiated reflects this common-sense order. See CMO-4 at 6 (requiring the parties to "first confer" about search terms "before using any such search terms"). Further, Local Rule 26.2 stays any pre-answer discovery in these matters. LR 26.2, NDGa. The operative scheduling order—which Plaintiffs agreed to—incorporated and adopted Local Rule 26.2 and continued the stay on pre-answer discovery. Jt. Corrected Prelim. Rpt. & Discovery Plan, Dkt. No. 255 at 17 (the "Scheduling Order"). Not once during the parties' extensive communications regarding CMO-4 and the Scheduling Order did Plaintiffs take the position that they would need discovery from Equifax before they could confer regarding Equifax's proposed search terms.

Defendants have provided Plaintiffs with information sufficient to evaluate Defendants' Search Terms. Defendants' Search Terms are based on Equifax's investigation of the Security Incident, including custodian interviews and review of relevant documents. Producing parties – here, Defendants – are best situated to evaluate the procedures, methodologies and technologies appropriate to produce their information. Principle Six of the Sedona Conference® Best Practice Recommendations & Principles for Addressing Electronic Document Production. Plaintiffs' assertion that Defendants proposed narrow search terms doesn't entitle them to discovery, nor does it mean Defendants haven't complied with CMO-4. If Plaintiffs contend the terms are too narrow, please propose modifications, which we will consider.

For the 56 requests for which Defendants plan to collect responsive documents and information from certain custodians, Defendants have disclosed information regarding such custodians on two separate occasions. Defendants' Custodian Disclosures, served several months ago on August 17, 2018, identified custodians of information relevant to the Consumer, Small Business, and Financial Institutions Cases. Defendants' Initial Disclosures, also served several

months ago on August 17, 2018, identified individuals likely to have discoverable information that Defendants may use to support their claims or defenses and provided their job positions and the subject matter about which Equifax believes they are likely to have discoverable information.

We are available to meet and confer with Plaintiffs on Monday, November 19 at 10 am or 4:30 pm Eastern. If this date and times do not work for you, please propose alternative times. Best, Leslie

Leslie M. Bassett
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Direct dial: 404-572-2807
Fax: 404-572-5100
E-mail: lbassett@kslaw.com

From: Amy Keller [<mailto:akeller@dlcfirm.com>]

Sent: Friday, November 09, 2018 10:17 PM

To: Bassett, Leslie; Joseph P. Guglielmo

Cc: Gary Lynch; Haskins, Stewart; Adler, Elizabeth; Tadler, Ariana; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni

Subject: In re Equifax: Defendants' Search Terms and Methodology

Leslie,

We've spent time reviewing your search term proposals. We believe that, on their face, they appear insufficient due to the fact that the terms are narrow as well as limited in the proximity of the terms you've proposed. Beyond that, in 56 out of 79 of your proposals, you suggest that documents will be culled from custodians, without information as to who those custodians would be.

The reality is that it's difficult—if not impossible—for us to really assess whether the search terms are sufficient because we have no information from you as to how the terms were selected, the documents Equifax consulted to create these terms, the hits that these terms would produce, and whether the terms are inclusive of all code words that Equifax, Mandiant, or other company used when investigating the breach or Equifax's practices.

If we are successful on our current discovery motion, which seeks an initial set of documents, that will help guide the meet and confer process on search terms. We re-assert our request that you reconsider our position, and look forward to your response.

In the interim, we believe that a meet and confer would be helpful to address some of these issues—please let us know when you are available next week. Additionally, if you could provide us with a report regarding the number of hits these terms would generate, and general information regarding how the terms were generated, that would be helpful.

Thank you,

Amy

From: Bassett, Leslie [LBassett@KSLAW.com]

Sent: Tuesday, October 30, 2018 1:31 PM

To: Joseph P. Guglielmo

Cc: Amy Keller; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; Tadler, Ariana; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni

Subject: RE: Equifax: Privilege Log Insert

Joe,

Attached are Defendants' Search Terms and Methodology. Once you've had a chance to review, we are happy to meet and confer. Best, Leslie

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From: Joseph P. Guglielmo [<mailto:jguglielmo@scott-scott.com>]
Sent: Friday, October 19, 2018 6:36 PM
To: Bassett, Leslie
Cc: Amy Keller; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; Tadler, Ariana; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni
Subject: Re: Equifax: Privilege Log Insert

Thanks. I assume depending on the date of delivery we will need a few days to review and consider the proposed terms so let's defer a time for a call until after the terms are produced.

On Oct 19, 2018, at 4:50 PM, Bassett, Leslie <LBassett@KSLAW.com> wrote:

Joe,

As Ronni mentioned to you, we need a few more days to get the search terms to Plaintiffs' counsel. We will circulate the terms early next week and will be prepared to meet and confer next week as well. Leslie

Leslie M. Bassett
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From: Bassett, Leslie
Sent: Wednesday, October 17, 2018 9:20 AM
To: 'Joseph P. Guglielmo'
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni
Subject: RE: Equifax: Privilege Log Insert

Joe,

While we expected to send Defendant's search terms to Plaintiffs' counsel last week, it has taken a bit more time to finalize them. We expect to send the search terms later this week. Once you've had an opportunity to review the terms, we will be happy to meet and confer. The week of October 22 works on our end as well. Best, Leslie

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From: Joseph P. Guglielmo [<mailto:jguglielmo@scott-scott.com>]
Sent: Monday, October 15, 2018 4:20 PM
To: Bassett, Leslie
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni
Subject: RE: Equifax: Privilege Log Insert

Leslie, just following up on my prior email. Can you tell us when Equifax will provide its proposed search terms and when we can have a call? We are generally available the week of October 22.

From: Bassett, Leslie [<mailto:LBassett@KSLAW.com>]
Sent: Thursday, October 4, 2018 1:56 PM
To: Joseph P. Guglielmo
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni
Subject: RE: Equifax: Privilege Log Insert

Joe:

Although we do not share your reading of CMO 4 and reserve all rights, we will be sending you next week a list of defendants' search terms. You can then send us your thoughts and we can schedule a meet and confer call to discuss later this month. We suggest the week of October 22. Please let us know your availability that week and I'll send around a calendar invitation. Best, Leslie

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From: Joseph P. Guglielmo [<mailto:jguglielmo@scott-scott.com>]
Sent: Wednesday, September 26, 2018 3:44 PM
To: Bassett, Leslie
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'; 'Clark, Melissa' (mclark@milberg.com); Solomon, Ronni
Subject: RE: Equifax: Privilege Log Insert

Leslie, in light of today's status conference and consistent with CMO No. 4, we request that Defendants provide Plaintiffs with the proposed search terms and/or search methodology Defendants intent to use. I have excerpted the relevant portion of CMO No. 4 (page 6) which specifically requires the producing party to provide such search terms. Please let us know when you can provide such proposed search terms and also when we may have a call to discuss these terms. We are generally available next week. Thank you.

<image001.jpg>

From: Bassett, Leslie [<mailto:LBassett@KSLAW.com>]
Sent: Friday, September 21, 2018 9:30 AM
To: Joseph P. Guglielmo
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'; 'Clark, Melissa'

(mclark@milberg.com); Solomon, Ronni

Subject: RE: Equifax: Privilege Log Insert

Joe,

In response to your request for Equifax to provide certain documents to assist in Plaintiffs' development of ESI search terms, we decline to provide any documents before discovery opens in these cases. Equifax has conducted a thorough search to identify documents responsive to requests received from other investigators, some of which could be responsive to your requests at the appropriate time if these cases go forward. We have collected and searched data and documents for the custodians identified in Defendants' Custodian Disclosures served on August 17, 2018 and others. The details of Equifax's process are protected from disclosure by the work product doctrine. However, we will be happy to discuss the process at a high level during a meet and confer conference. Further, if Plaintiffs would like to propose ESI search terms, Equifax is willing to consider them and engage in a meet and confer process once we have done so.

Best, Leslie

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From: Joseph P. Guglielmo [<mailto:jguglielmo@scott-scott.com>]

Sent: Tuesday, September 11, 2018 3:39 PM

To: Bassett, Leslie; 'Clark, Melissa'; Solomon, Ronni

Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'

Subject: RE: Equifax: Privilege Log Insert

Leslie, can you provide me an update on your client's willingness to provide Plaintiffs forensic reports or other documents produced to certain regulatory entities to assist with the search term process?

From: Bassett, Leslie [<mailto:LBassett@KSLAW.com>]

Sent: Thursday, August 9, 2018 12:48 PM

To: Joseph P. Guglielmo; 'Clark, Melissa'; Solomon, Ronni

Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'

Subject: RE: Equifax: Privilege Log Insert

Joe,

Yes, you may file the privilege log insert.

On our 7/25 call, we discussed the possibility of attempting to narrow the scope of Plaintiffs' First Joint Set of Requests for Production of Documents to Defendants by Equifax providing some information on which systems were involved in the Equifax Security Incident announced on September 7, 2017. We also discussed the possibility of convening a call to walk through the data sources in Defendants' ESI Disclosures to provide context and information regarding the appropriate syntax for search terms. We did not offer to produce any forensic investigation reports. We are conferring with our client regarding these possibilities and will get back to you next week with next steps. Best, Leslie

Leslie M. Bassett

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From: Joseph P. Guglielmo [<mailto:jguglielmo@scott-scott.com>]
Sent: Wednesday, August 08, 2018 3:29 PM
To: Bassett, Leslie; 'Clark, Melissa'; Solomon, Ronni
Cc: 'Amy Keller'; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; 'Tadler, Ariana'
Subject: RE: Equifax: Privilege Log Insert

Leslie and Ronni, can we file the privilege log insert? Also, can you let us know if you have heard back from your client as to the production of any forensic investigation reports to assist us in negotiating search terms and custodians?

<image002.jpg> **Joseph P. Guglielmo**, Attorney
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From: Joseph P. Guglielmo
Sent: Monday, August 6, 2018 12:03 PM
To: Bassett, Leslie; Clark, Melissa; Solomon, Ronni
Cc: Amy Keller; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; Tadler, Ariana
Subject: RE: Equifax: Privilege Log Insert

Assuming no other edits, can we file?

From: Bassett, Leslie [<mailto:LBassett@KSLAW.com>]
Sent: Friday, August 3, 2018 12:24 PM
To: Clark, Melissa; Solomon, Ronni
Cc: Amy Keller; Gary Lynch; Haskins, Stewart; Adler, Elizabeth; Joseph P. Guglielmo; Tadler, Ariana
Subject: RE: Equifax: Privilege Log Insert

Melissa,

Defendants are fine with this proposal. Thanks, Leslie

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